REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed

January 28, 2004. Upon entry of the amendments in this response, claims 2 – 3, 5 – 9, 11 and

13 - 20 remain pending. In particular, Applicant has added claims 17 - 20, has amended

claims 2, 3, 5 – 9, 11, and 13 – 16, and has canceled claims 1, 4, 10 and 12 without prejudice,

waiver, or disclaimer. Applicant has canceled claims 1, 4, 10 and 12 merely to reduce the

number of disputed issues and to facilitate early allowance and issuance of other claims in the

present application. Applicant reserves the right to pursue the subject matter of these

canceled claims in a continuing application, if Applicant so chooses, and does not intend to

dedicate the canceled subject matter to the public. Reconsideration and allowance of the

application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. §102(b)

The Office Action indicates that claims 1 – 3, 6 – 10, 12 – 14 and 16 stand rejected

under 35 U.S.C. §102(e) as being anticipated by *Carcerano*. As set forth above, Applicant

has canceled claims 1, 10 and 12 and respectfully asserts that the rejection as to these claims

has been rendered moot. With respect to the remaining claims, Applicant respectfully

traverses the rejection for at least the reasons indicated below.

Turning now to the *Carcerano* reference, that reference involves a browser-based

network management system that allows administrators to use a web browser on user's work

station to view and update configuration of network devices. Specifically, at column 2, lines

13 – 27, *Carcerano* discloses:

> The management system is interposed between the
> administrators (or other users) and the network devices. The
> management system repeatedly poles the network devices for
> configuration information and maintains a database of this
> information. When the management system receives a request

from a web browser for status or configuration information about a network device, the system generates an appropriate response based on the database rather than on information obtained directly from the network device. Likewise, when the management system receives a request from a web browser to change the status or configuration of a network device, the system updates the database according to configuration data in the request. The management system then updates the configuration of the network devices according to the updated database.

Thus, the management system of *Carcerano* maintains a database that is updated with current configuration of a network device, but does not teach or otherwise disclose storing a particular configuration, e.g., a previously used configuration, as a backup configuration for a network device.

Carcerano also discloses at column 14, lines 13 – 22:

> In step S803, this configuration information is stored in database 105.

> In step S804, it is determined if the configuration data in database 105 has been updated since the last occurrence of step S804. Such an update is stored in a cue, as explained below with reference to FIG. 8B. If configuration data in database 105 has been updated, flow proceeds to step S805, where network management server 105 updates the status and/or configuration of a targeted device on network 1 in accordance with the updated configuration data.

Thus, the management system of *Carcerano* stores updates to configuration information, but does not store a previous configuration to be used as a backup in case of a system failure, e.g., the network device is unable to communicate with the network.

Turning now to the claims, claim 17 recites:

17.   A method for configuring a network device for intercommunication with a network, the network device being communicatively coupled with the network and having a first network configuration enabling the network device to communicate with the network, said method comprising:
recording information corresponding to the first network configuration of the network device;
automatically monitoring a current network configuration of the network device; and
determining whether the network device is able to communicate with the network such that, if the network device is not able to communicate with the network:
automatically comparing the current network configuration with the information corresponding to the first network configuration;
automatically determining whether the current network configuration corresponds to the first network configuration; and
if the current network configuration does not correspond to the first network configuration, automatically reconfiguring the network device such that the current network configuration of the network device corresponds to the first network configuration, thereby enabling the network device to communicate with the network.
(Emphasis Added).

Applicant respectfully asserts that *Carcerano* is legally deficient for the purpose of anticipating claim 17, because at least the features/limitations emphasized above are not taught or otherwise disclosed by *Carcerano*. Since claims 2, 3 and 5 – 9 are dependent claims that incorporate all the features/limitations of claim 17, Applicant respectfully asserts that *Carcerano* is legally deficient for the purpose of anticipating these claims as well.

Therefore, Applicant respectfully asserts that the rejection is improper and that claims 17, 2, 3 and 5 – 9 are in condition for allowance.

Claim 19 recites:

> 19.   A computer readable medium for configuring a network device for intercommunication with a network, the network device being communicatively coupled with the network and having a first network configuration enabling the network device to communicate with the network, said computer readable medium comprising:
>
> logic configured to record information corresponding to the first network configuration of the network device;
>
> logic configured to monitor a current network configuration of the network device; and
>
> ***logic configured to determine whether the network device is able to communicate with the network such that, if the network device is not able to communicate with the network, the logic:***
>
> compares the current network configuration with the information corresponding to the first network configuration;
>
> determines whether the current network configuration corresponds to the first network configuration; and
>
> ***if the current network configuration does not correspond to the first network configuration, reconfigures the network device such that the current network configuration of the network device corresponds to the first network configuration, thereby enabling the network device to communicate with the network.***
>
> (Emphasis Added).

Applicant respectfully asserts that *Carcerano* is legally deficient for the purpose of anticipating claim 19, because at least the features/limitations emphasized above are not taught or otherwise disclosed by *Carcerano*. Since claim 11 is a dependent claim that incorporates all the features/limitations of claim 19, Applicant respectfully asserts that *Carcerano* is legally deficient for the purpose of anticipating this claim as well. Therefore, Applicant respectfully asserts that the rejection is improper and that claims 19 and 11 are in condition for allowance.

Claim 20 recites:

> 20. (New) A network comprising:
> a communication interface;
> a first network device configured to communicatively couple with said communication interface;
> a second network device configured to communicatively couple with said communication interface, said second network device having a first network configuration enabling said second network device to communicate with said first network device;
> wherein said network is configured to:
> record information corresponding to the first network configuration of the second network device;
> monitor a current network configuration of the second network device; and.
> *determine whether the second network device is able to communicate with the first network device such that, if the second network device is not able to communicate with the first network device, said network:*
> compares the current network configuration with the information corresponding to the first network configuration;
> determines whether the current network configuration corresponds to the first network configuration; and
> *if the current network configuration does not correspond to the first network configuration, reconfigures the second network device such that the current network configuration of the second network device corresponds to the first network configuration, thereby enabling the second network device to communicate with the first network device.*

Applicant respectfully asserts that *Carcerano* is legally deficient for the purpose of ·

anticipating claim 20, because at least the features/limitations emphasized above are not

taught or otherwise disclosed by *Carcerano*. Since claims 13 - 16 are dependent claims that

incorporate all the features/limitations of claim 20, Applicant respectfully asserts that

Carcerano is legally deficient for the purpose of anticipating this claim as well. Therefore,

Applicant respectfully asserts that the rejection is improper and that claims 20 and 13 – 16 are

in condition for allowance.

Rejections under 35 U.S.C. §103

The Office Action indicates that claims 4, 5, 11 and 15 stand rejected under 35 U.S.C.

103(a) as being unpatentable over·*Carcerano* in view of *Roberts*. Additionally, the Office

Action indicates that claims 5, 11 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Carcerano* in view of *Marbry*. With respect to claim 4, Applicant has canceled this claim and respectfully asserts that the rejection as to this claim has been rendered moot. With respect to the remaining claims, Applicant respectfully traverses the rejection for at least the reasons indicated below.

Applicant respectfully asserts that *Carcerano* does not teach or reasonably suggest at least the features emphasized above in claims 17, 19 and 20, respectively. Additionally, Applicant respectfully asserts that neither *Roberts* nor *Marbry* teach or reasonably suggest the emphasized features. Therefore, Applicant respectfully asserts that the amendments to the claims have rendered the rejections under 35 U.S.C. 103 moot and that the pending claims are in condition for allowance.
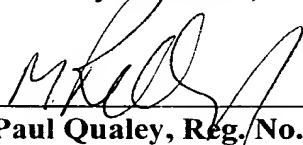
Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above,

Applicant respectfully submits that all objections and/or rejections have been traversed,

rendered moot, and/or accommodated, and that the now pending claims 2 – 3, 5 – 9, 11 and

13 - 20 are in condition for allowance. Favorable reconsideration and allowance of the

present application and all pending claims are hereby courteously requested. If, in the opinion

of the Examiner, a telephonic conference would expedite the examination of this matter, the

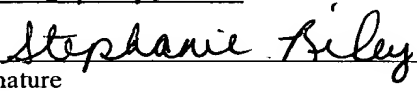Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

M. Paul Qualey, Reg. No. 43,024

THOMAS, KAYDEN,
 HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail, postage prepaid, in an envelope
addressed to: Assistant Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450,
on ___2/27/04___ .

Signature

14